

**COUNTY OF EL DORADO DEVELOPMENT SERVICES
PLANNING COMMISSION
STAFF REPORT**



Agenda of: November 8, 2012
Item No.: 8
Staff: Gina Paolini

WILLIAMSON ACT CONTRACT

FILE NUMBERS: WAC12-0002/Dan Varozza Preserve
WAC12-0003/Modification to Ag. Preserve No. 36

APPLICANT: Dan Varozza

REQUEST: Request to establish new Agricultural Preserves as follows:

1. Establish a new Agricultural Preserve for 226 acres; and
2. Modify existing Agricultural Preserve for 1,852 acres.

LOCATION: South side of Memory Lane approximately three-fourth mile east of the intersection with South Shingle Road, in the Latrobe area, Supervisorial District 2. (Exhibit A)

APN: WAC12-0002: 087-021-30, 087-021-20, 087-021-28, 087-021-27,
087-021-42 (Exhibit B)

WAC12-0003: 087-040-91, 087-040-89, 087-040-35, 087-123-01, 091-020-07, 091-020-21, 091-303-21, 091-040-14, 091-140-01, 091-140-03, 091-200-13, 091-200-14, 091-030-21, 091-040-14 (Exhibit C-1 through C-7)

ACREAGE: 226 acres (WAC12-0002)/1,852 acres (WAC12-0003)

GENERAL PLAN: Agricultural Lands (AL) (Exhibit D)

ZONING: Exclusive Agriculture (AE) (Exhibit E)

ENVIRONMENTAL DOCUMENT: Categorically exempt pursuant to Section 15317 of the CEQA Guidelines

RECOMMENDATION: Staff recommends that the Planning Commission forward a recommendation to the Board of Supervisors to take the following actions:

1. Certify that the projects are Categorical Exempt from CEQA pursuant to Section 15317;
2. Approve Williamson Act Contract WAC12-0002 based on the Findings in Attachment 1; and
3. Approve Williamson Act Contract WAC12-0003 based on the Findings in Attachment 2.

BACKGROUND

The Board of Supervisors established Agricultural Preserve No. 36 on April 22, 1968, establishing a 1,596.39 acre agricultural preserve. Since then, there have been several modifications to the preserve. In 1971, 85 acres was added to the preserve, increasing the size of the preserve to 1681.39 acres. On November 28, 1972, the Board of Supervisors approved an additional 711.97 acres to the preserve, increasing the size of the preserve to 2393.36 acres. On August 14, 1979, the Board of Supervisors denied a request to withdraw 20 acres from the preserve on which to build a residence. On July 21, 1998, the Board of Supervisors approved the removal of 306.91 acres from the preserve, with the balance of the preserve being 2086.45 acres.

On July 13, 2012, the applicant submitted two Williamson Act contract applications, one to remove 226-acres from Agricultural Preserve No. 36 and one to retain 1,852 acres within Agricultural Preserve No. 36.

STAFF ANALYSIS

Staff has reviewed the projects for compliance with County regulations and requirements. An analysis of the permit requests and issues for the Planning Commission's consideration are provided in the following sections.

Site Description: The subject parcels are located at an average elevation ranging from 600 to 800 feet above mean sea level. The parcels of the land proposed for the new preserve are located off of Memory Lane, in the Latrobe area. The topography is characterized by rolling pasture land with scattered mature oaks.

General Plan: The General Plan designates the subject parcels as Agricultural Lands (AL). This designation is applied to lands that are of sufficient size that can sustain agricultural use and meet the criteria specified in General Plan Policy 8.1.1.8. The parcels are being utilized as grazing land, and therefore, are consistent with the General Plan.

Zoning: Pursuant to Section 17.36.060, the Exclusive Agriculture (AE) zone district *shall apply only to those lands subject to the Land Conservation Act of 1965*. The parcels are zoned AE and are encumbered by Agricultural Preserve Number 36.

Section 17.36.070.D of the County Code allows for *one single-family detached dwelling within each AE preserve, or one mobile home within the AE preserve for the property owner*.

Review of the history of Agricultural Preserve No. 36 indicates that there are three houses within the preserve. These houses are located on APN's 087-021-27 (built in 1949), 091-200-13 (built in 1976) and 087-123-01 (built in 1980). Therefore, for the applicant to build a single family home within the 226-acres, a new preserve must be created.

Williamson Act Criteria: The Agricultural Commission reviewed the applicant's requests at the regularly scheduled meeting on September 12, 2012. At this meeting, the Agricultural Commission reviewed the three primary criteria outlined in Resolution No. 188-2002 for establishment of an Agricultural Preserve. These three criteria are:

1. There shall be a minimum capital outlay for agricultural improvements in the sum of \$10,000.

Discussion: The Agricultural Commission determined:

- a. WAC12-02: The capital outlay reported for fencing was \$100,000, water supply ponds for cattle, \$20,000 and roads \$10,000.
 - b. WAC12-03: The capital outlay reported exceeds the \$10,000 required.
2. The minimum acreage shall be 50 contiguous acres that are adequately fenced for low intensity agricultural operations.

Discussion: The Agricultural Commission determined:

- a. WAC12-02: Assessor's Parcel Number 087-021-030 is a 226-acre parcel meeting the minimum acreage requirement.
 - b. WAC12-03: The combined parcels encompassing Agricultural Preserve No. 36 would total 1,852 acres, meeting the minimum acreage requirement.
3. The minimum gross income shall be \$2,000.00 for low intensity farming (grazing).

Discussion: The Agricultural Commission determined:

- a. WAC12-02: The gross income exceeds the minimum requirement of \$2,000/year at \$2,226.
- b. WAC12-03: The gross income exceeds the minimum requirement of \$2,000/year.

Conclusion: It was determined that both applications met the minimum criteria for low intensive agricultural operations in the Williamson Act Contract, the Agricultural Commission recommended approval of WAC12-0002 and WAC12-0003 (Exhibit F).

ENVIRONMENTAL REVIEW

This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15317 of the CEQA Guidelines stating that the establishment of agricultural preserves and the making and renewing of open space contracts under the Williamson Act are exempt. A \$50.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption.

SUPPORT INFORMATION

Attachments:

Attachment 1	Findings for WAC12-0002-Dan Varozza Preserve
Attachment 2	Findings for WAC12-0003- Ag. Preserve No. 36
Exhibit A	Location Map
Exhibit B	Assessor's Parcel Map for WAC12-0002 and WAC12-0003
Exhibit C-1 to C-7.....	Assessor's Parcel Map(s) for WAC12-0003
Exhibit D	General Plan Land Use Map
Exhibit E	Zoning Map
Exhibit F.....	Agricultural Department Staff Report; August 30, 2012

ATTACHMENT 1

FINDINGS FOR APPROVAL

Williamson Act Contract WAC12-0002/Dan Varozza Preserve Planning Commission/November 8, 2012

1.0 CEQA FINDINGS

- 1.1 The proposed requests for Williamson Act Contracts has been found to be Categorically Exempt from CEQA pursuant to Section 15317 stating that, "Class 17 consists of the establishment of agricultural preserves, the making and renewing of open space contracts under the Williamson Act, or the acceptance of easements or fee interests in order to maintain the open space character of the area."
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of Planning Services at 2850 Fairlane Court, Placerville, CA 95667.

2.0 GENERAL PLAN FINDINGS

2.1 **The project is consistent with General Plan Policy 8.1.1.8.**

General Plan Policy 8.1.1.8 requires Agricultural Lands (AL) to be of sufficient size to sustain agricultural use, to be under a Williamson Act or Farmland Security Zone Contract, and/or contain the characteristics of choice agricultural land. These lands should be under cultivation for commercial crop production or identified as grazing land and should be within the county's Rural Region or be identified by the County Department of Agriculture as land suited for agricultural production. The project's 226-acres has been identified as grazing land, is within the rural region and would be established under a Williamson Act Contract; therefore the property is consistent with the AL land use designation.

2.2 **The project is consistent with General Plan Policy 8.1.3.2.**

General Plan Policy 8.1.3.2 requires that agriculturally incompatible uses adjacent to agriculturally zoned land provide greater setbacks to protect agricultural resources. The creation of a new agricultural preserve would not impose new agricultural setbacks to adjacent parcels, as the project parcel is located within an existing agricultural zone district, and is subject to existing setback provisions.

2.3 **The project is consistent with General Plan Policy 8.1.4.1.**

General Plan Policy 8.1.4.1 requires the County Agricultural Commission to review all discretionary development applications involving land zoned for or designated agriculture. The El Dorado County Agriculture Commissioners reviewed the application

on September 12, 2012 and determined that the Williamson Act Contract application did meet the minimum criteria for a low intensive agricultural operation.

2.4 The project is consistent with General Plan Policy 8.2.4.1.

General Plan Policy 8.2.4.1 seeks to ensure long-term conservation, enhancement, and expansion of viable agricultural lands. The project is consistent with Policy 8.2.4.1 by the request for the continued use of the Williamson Act Contract program.

3.0 ADMINISTRATIVE FINDINGS

3.1 Williamson Act Contract

The property satisfies the County's three criteria for the establishment of an Agricultural Preserve, as defined in Resolution Number 188-2002, as follows:

3.1.1 Minimum Acreage:

- a. The property is to be used for low intensive farming (grazing) and will consist of 226 fenced acres which complies with the preserve requirement of having a minimum of fifty contiguous acres that are adequately fenced to contain livestock.

3.1.2 Capital Outlay:

- a. The capital outlay reported is \$131,750, for fencing, water supply ponds for cattle and roads. The capital outlay exceeds the \$10,000 minimum requirement for low intensive farming operations, excluding the applicant's residence and original cost of the land.

3.1.3 Income:

- a. For low intensive farming operations, the property is required to have a minimum annual gross income of \$2,000. The property is reported to have an annual income of \$2,226.

4.0 ZONING FINDINGS

4.1 The proposed use is consistent with Title 17.

The proposed raising and grazing of livestock is a use permitted by right in accordance with Section 17.36.070 of the County Code.

ATTACHMENT 2

FINDINGS FOR APPROVAL

Williamson Act Contract WAC12-0003/Modification to Agricultural Preserve No. 36 Planning Commission/November 8, 2012

1.0 CEQA FINDINGS

- 1.1 The proposed requests for Williamson Act Contracts has been found to be Categorically Exempt from CEQA pursuant to Section 15317 stating that, "Class 17 consists of the establishment of agricultural preserves, the making and renewing of open space contracts under the Williamson Act, or the acceptance of easements or fee interests in order to maintain the open space character of the area."
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of Planning Services at 2850 Fairlane Court, Placerville, CA 95667.

2.0 GENERAL PLAN FINDINGS

2.1 **The project is consistent with General Plan Policy 8.1.1.8.**

General Plan Policy 8.1.1.8 requires Agricultural Lands (AL) to be of sufficient size to sustain agricultural use, to be under a Williamson Act or Farmland Security Zone Contract, and/or contain the characteristics of choice agricultural land. These lands should be under cultivation for commercial crop production or identified as grazing land and should be within the county's Rural Region or be identified by the County Department of Agriculture as land suited for agricultural production. The project's 1,852-acres has been identified as grazing land, is within the rural region and would be established under a Williamson Act Contract; therefore the property is consistent with the AL land use designation.

2.2 **The project is consistent with General Plan Policy 8.1.3.2.**

General Plan Policy 8.1.3.2 requires that agriculturally incompatible uses adjacent to agriculturally zoned land provide greater setbacks to protect agricultural resources. The creation of a new agricultural preserve would not impose new agricultural setbacks to adjacent parcels, as the project parcel is located within an existing agricultural zone district, and is subject to existing setback provisions.

2.3 **The project is consistent with General Plan Policy 8.1.4.1.**

General Plan Policy 8.1.4.1 requires the County Agricultural Commission to review all discretionary development applications involving land zoned for or designated agriculture. The El Dorado County Agriculture Commissioners reviewed the application

on September 12, 2012 and determined that the Williamson Act Contract application did meet the minimum criteria for a low intensive agricultural operation.

2.4 The project is consistent with General Plan Policy 8.2.4.1.

General Plan Policy 8.2.4.1 seeks to ensure long-term conservation, enhancement, and expansion of viable agricultural lands. The project is consistent with Policy 8.2.4.1 by the request for the continued use of the Williamson Act Contract program.

3.0 ADMINISTRATIVE FINDINGS

3.1 Williamson Act Contract

The property satisfies the County's three criteria for the establishment of an Agricultural Preserve, as defined in Resolution Number 188-2002, as follows:

3.1.1. Minimum Acreage:

- a. The property is to be used for low intensive farming (grazing) and will consist of 1,853 fenced acres which complies with the preserve requirement of having a minimum of fifty contiguous acres that are adequately fenced to contain livestock.

3.1.2. Capital Outlay:

- a. The capital outlay exceeds the \$10,000 minimum requirement for low intensive farming operations, excluding the applicant's residence and original cost of the land.

3.1.3. Income:

- a. For low intensive farming operations, the property is required to have a minimum annual gross income of \$2,000. The contiguous properties reportedly have an annual income of more than \$2,000.

4.0 ZONING FINDINGS

4.1 The proposed use is consistent with Title 17.

The proposed raising and grazing of livestock is a use permitted by right in accordance with Section 17.36.070 of the County Code.